

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

PHILLIP J. LYONS,

Plaintiff,

v.

CONNIE BISBEE, *et al.*,

Defendants.

3:07-cv-00460-LRH-ram

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Robert A. McQuaid (#173¹) entered on April 7, 2011, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#161) filed on October 8, 2010. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#174) on April 21, 2011. Plaintiff also filed a Motion to Strike or Reply to Defendants' Objections to Report and Recommendation of United States Magistrate Judge (#177) on May 9, 2011. Defendants filed their Objections to Report and Recommendation of U.S. Magistrate Judge (#175) on April 25, 2011, and they filed their Opposition to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#176) on May 2, 2011 (#176).

The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹Refers to court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the objections of
2 the Plaintiff and the Defendants, Defendants' opposition to Plaintiff's objections, Plaintiff's Motion
3 to Strike or Reply to Defendants' Objections, the pleadings and memoranda of the parties and other
4 relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court
5 determines that the Magistrate Judge's Report and Recommendation (#173) entered on April 7, 2011,
6 should be adopted and accepted.

7 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
8 (#173) entered on April 7, 2011, is adopted and accepted, and Defendants' Motion for Summary
9 Judgment (#161) is GRANTED IN PART and DENIED IN PART as follows:

- 10 • Summary judgment should be GRANTED as to Count I;
- 11 • Summary judgment should be GRANTED as to Count II;
- 12 • Summary judgment should be DENIED as to Count III;
- 13 • Summary judgment should be DENIED as to Count IV;
- 14 • Summary judgment should be DENIED as to Count V;
- 15 • Summary judgment should be GRANTED as to Count VI;
- 16 • Summary judgment should be GRANTED as to Count VII;
- 17 • Summary judgment should be GRANTED as to Count VIII;
- 18 • Summary judgment should be GRANTED as to Count IX;
- 19 • Summary judgment should be DENIED as to Count X;
- 20 • Summary judgment should be GRANTED as to Count XI.

21 IT IS SO ORDERED.

22 DATED this 9th day of June, 2011.



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25 LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE